



Members

Shane Brooks, Chair Timothy McLellan, Vice Chair Fred Krampits Frank Laflamme Jerry Roy James Tillotson William Zaskey

APPROVED

MINUTES November 15, 2017

The following are the minutes of a public hearing held Wednesday, November 15, 2017 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present

Krampits, Laflamme, Roy, Tillotson

Members Absent:

Brooks, McLellan, Zaskey

Also Present:

Dan Garvey (Asst. City Solicitor), Lee Pouliot (Planning Director), Jack Benjamin (Asst. Planning Director), Councilor Vieau, Trudy Gilbert (ASL

Interpreter)

The meeting was called to order at 6:30 PM

In compliance with the Open Meeting Law the Chairman asked if anyone in the audience was recording the meeting. Hearing none the meeting continued.

Councilor Laflamme motion that Councilor Tillotson sit in as Chairman for the Zoning Committee meeting – Councilor Roy 2nd the motion – motion passed

ITEM #1

Special Permit application 275-52 for the purpose of dog kennel – 7 dachshunds located at 113 Joy St.

Applicant - Betty Belisle, 113 Joy St., Chicopee, MA 01013.

Trudy Gilbert, Interpreter spoke on behalf of Betty Belisle.

Trudy Gilbert stated that Betty Belisle said she has a printed copy of what she would like to say that she would like to share with everyone. Councilor Tillotson read the letters. <u>Letters attached</u>.

Councilor Tillotson verified if she has seven dogs.

Trudy Gilbert stated that Betty Belisle said has seven dogs.

Councilor Tillotson asked if the applicant was buying or selling dogs.

Trudy Gilbert stated that Betty Belisle said she will not be breeding dogs and that her seven dogs are her family.

Councilor Tillotson read a letter from Angela Przybylowicz, Letter attached.

Public Input

Mike Belisle (Husband) stated that his wife Betty is very religious about carrying the dog bags for the dog waste.

Lee Belisle (son) stated that his mother takes better care of those dogs than anyone else. He stated that she carries bags to pick up the dog waste.

Trudy Gilbert stated that Betty Beslise said she picks up after her dogs.

Terry Roy 144 Dayton Street, stated that one day when Betty was walking her dog she let her dog defecate in my yard, she had no bags with her and she did not pick it up. She stated that she yells very loud at the dogs when they don't listen.

Steve Kida, 125 Joy Street stated that he also is dog owner. He stated that he sees numerous droppings on the dike while we're walking our dog but, there has never been any droppings of her dogs on my adjacent open yard. I don't have an issue with her dogs at this point. He asked if the permit will be for any amount of dogs or just the seven.

Councilor Tillotson stated just the seven and we could ask to have the permit amended.

Michael Gaunt 154 Dayton Street stated that he is the direct abutter behind her and has lived there for twenty years. Betty and Mike have been great neighbors, all of a sudden two years ago she started to get three dogs, then it was five, then it became seven. He stated he researched city records and since 1970 you haven't allowed more than five dogs in one place. He stated that this is a safety and Department of Health issue because of the added feces. He stated that Betty takes good care of her dogs but because she has been a good neighbor I've let this go. There have been too many incidents in the last couple months. She screams so loud at 4:00 AM in the morning that I thought someone was murdering her or that something was going on at that hour. His other issue is that his wife is a pharmacist who works in a hospital and makes patients medication in the morning. How would you like to receive medication from a tired pharmacist. He also stated that this is bringing down the value of his house; nobody wants to buy a house next to a dog kennel. He stated that the seven dogs killed a skunk and seven dogs is a pack, when one attacks something they all go for it. Then three weeks ago they killed a several baby bunnies. I have a five year old grandson, what if one of those dogs gets through the wooden fence and the other six follow and I'm not there. They could cause great bodily harm to my Grandson. There is no question that Betty takes care of those dogs and she's a good neighbor but we've reached a breaking point.

Michael Gosselin 103 Joy Street stated that he is a direct abutter from the Belise's. He also agrees with some of the patrons here that they are very good taking care of their dogs. As far as the feces on the lawn, I've never had an issue. The problem that I have is that my property value has decreased with the seven dogs. He stated that his quality of life has gone down with the seven dogs. I really can't enjoy my back yard, the dogs constantly bark when they're out. I am also a new Grandfather. He's opposed to the special permit application.

David Kida 125 Joy Street stated that they always had dogs and I know the barking can be an issue. He stated that other things going on in the neighborhood can bring the property value down. He stated he is in favor of the special permit.

Ethen Belisle (son) He stated that no one has actually informed his mother of how much noise has actually been going on and how much this has bothered other people maybe they need to do a better job about communicating this issue to her so that she could address it.

Rachael Belisle (Daughter-in-law) her concern is that the city has known about these dogs and had been issuing licenses for the past several years. She stated she does not think its right for the dogs to be taken away when the city has known about them.

Councilor Laflamme asked if the applicant's yard is completely fenced in.

Trudy Gilbert stated that Betty Belisles said her yard is completely fenced in and as the fence gets older my husband is always upgrading the fence; he takes excellent care of keeping the fence maintained.

Councilor Laflamme was concerned what makes the dogs bark so much.

Trudy Gilbert stated that Betty Belise said she is deaf and she can't hear, I do go outside and call the dogs and yell at them. My Husband tells me many times to lower my voice but I don't realize how loud I get. My dogs help me because I can't hear; like if someone's at the door. They are my ears.

Trudy Gilbert stated that Betty Belisle said she always picks up the dog feces and my back yard is always clean.

Councilor Roy asked how long Betty Belisle has had the dogs.

Trudy Gilbert stated that Betty Belisle said she has had the dogs for seven years.

Michael Belisle stated that just to clarify she had a chow chow and that one died then she bought a dachshund and that one passed away. Over the subsequent seven years dogs were added to that for a total of seven. There is no intention of having more than seven dogs.

Michael Gosselin stated that he would like to welcome anyone here from the Board to come to my back yard at any given day and see if you can enjoy it. The dogs are out and you don't have to make a sound, they smell you and they will come right to the fence and bark to their hearts content. He stated that in the summer months my wife and I jump out of our skin at two, three or four o'clock in the morning when she's yelling at the dogs.

Lee Beslisle stated that his mother cannot comprehend how loud she is. She's making a noise do to a condition that she has, it's not the dogs.

164 Dayton Street stated that whenever he goes near the fence the dogs come right at him.

He stated that he was racking his leaves and she was yelling, it was foud and I hear it all the time. I can't even grill without them barking. I am not in favor of this.

Michael Gaunt added that the people who spoke up for her are her direct family that could be a bit of a bias situation. He stated that this meeting is being recorded; if you approve this license in a residential area you are opening up the city for other kinds of licenses. He stated that the seven dogs were only in the last two years, if there were seven dogs for seven years I would have definitely said something about it. Nobody is questioning Betty's love of the dogs, it's just enough is enough.

Councilor Vieau stated that he received two phone calls that were also opposed to it. He asked when did you come to acquire seven dogs and what are the ages of them.

Trudy Gilbert stated that Betty Belisle said she has all of their birth dates and they were all born at different times.

Councilor Tillotson stated so she did not have seven dogs all at once.

Michael Belisle answered that the dogs are seven, six, two are maybe four and one is one and a half years old.

Councilor Vieau asked how did you end up acquiring so many dogs. He stated that the city allows by right three dogs. Anything over three you would need a kennel license. He understands that the city has licensed them because I don't think they keep track of kennel licenses at the City Clerk's office and I'm not sure why. He stated his concern is for the neighbors.

Trudy Gilbert stated that Betty Belisle said she adopted them as baby's and seven is my limit and all I can handle.

Councilor Brunetti stated that there were kennel licenses in 1970; he stated that he had one for four to ten dogs at one time. He asked if the dogs go out all night or just to go to the bathroom.

Trudy Gilbert stated that Betty Belisle said she only lets them out to go to the bathroom.

Councilor Laflamme asked Attorney Garvey if we give this permit and find there are a lot of issues, can we call it back in for the concerns of the neighbors.

Attorney Garvey stated you can always bring a special permit back in.

Councilor Laflamme stated can we cut the number of dogs down by attrition to the three dogs. **Attorney Garvey** stated yes

Councilor Vieau stated that it's certainly not an easy decision to make by any means the dogs preexist and become part of your family. I've always been a strong proponent for quality of life issues and protecting those issues for the residents. I understand both the residents and the applicant's case. He stated he came in here with an open mind but at the end of the day if someone is looking to be a breeder and bringing in dogs, it's something I'm strongly opposed to. If someone was proposing to have a kennel in my neighborhood where the lots are small and predominately all single families and people at the end of the day want to enjoy their yards, I don't think it's the right thing to do.

Councilor Vieau stated that the City of Chicopee through the City Clerk's office and Licensing should have some form of a trigger that says; this household already has three (3) dogs. When you go to license the fourth dog a flag should pop up and say that they need to apply for a kennel license.

Councilor Krampits stated that he feels for the folks in the neighborhood. It's a quality of life issue and as much as I understand that dogs are part of the family, I am not in favor of granting a kennel license.

Councilor Vieau stated that if his neighbor was here today asking for a kennel license to have seven dogs, I would be strongly opposed to it. I would be standing up there just like these people saying "I do not want this next door to my house". He stated that having seven dogs, birds or cats is excessive. They are hard to maintain and control and I understand Betty Belisle is doing an amazing job with them but, at the end of the day if this was my house I would be here protesting.

Councilor Krampits stated that in the past we have given the applicant a time frame to get down to the three dogs.

Councilor Laflamme stated that the neighbors just want quality of life. He stated that we could give them a six month special permit and call them back in.

Attorney Garvey stated we can issue them a special permit and it will be reviewed in six months and if they don't comply with the conditions you can always revise the special permit or revoke it but you have to be pretty specific.

Councilor Tillotson stated that he doesn't think anything is going to change in six months, the quality of life isn't going to change. The property values I'm not sure if they'll go down or not and the safety issue.

Department Recommendations

Health Department

Thomas J. O'Connor will contact home owner to set up an inspection.

Fire Department

No Concerns

Engineering Department

No Engineering comments if no site work is proposed.

Planning Department

Property is zoned residential A; dog kennel licenses require a special permit prior to consideration (275-52(b) (13)).

Planning understands the applicant owns 7 pet dachshunds – kennel license triggered when 4 or more dogs on the property.

Planning sees no issue with this request as the owner is keeping these animals as pets, not running a kennel business.

Building Department

Concerned with noise and sanitation.

Conditions

- 1. Permit to run with the applicant
- 2. No new dogs shall be allowed until the number of dogs is reduced to three (3) dogs.
- 3. No more than three (3) dogs may be allowed into the rear yard at one time between the hours of (9:00 pm and 6:00 am.
- 4. The applicant shall maintain a secure six (6) foot stockade fence around the entire back vard.
- 5. The applicant shall remove all dog droppings on a daily basis and shall deodorize the same
- 6. The special permit shall be called in for review within six months from the issuance of the same.
- The conditions were amended at the City Council meeting on November 21, 2017 to read as follows:
 - Permit to run with the applicant
- 1. Must follow chapter 144 of City Ordinances.
- 2. No new dogs shall be allowed until the number of dogs is reduced to three (3) dogs.
- 3. No more than four (4) dogs may be allowed into the yard at one time.
- 4. The applicant shall install and maintain a secure six (6) foot stockade fence around the entire back yard within thirty (30) days. Building Department to inspect in one (1) month.
- 5. The applicant shall remove all dog droppings on a daily basis and shall deodorize the same. Dog waste to be closer the to the applicants house rather than the neighbor's property.
- 6. The special permit shall be called in for review within six months from the issuance of the same.

Councilor Krampits motion to approve the kennel license with the listed restrictions – Councilor Roy 2nd the motion – motion passed

Committee vote 4 – 0 favorable

ITEM #2

Zone Change application from Res B to Res C for 11,027 SF of property located at 275-277 Hampden St. for the purpose of converting from 2 family dwelling to 3 family dwelling.

Applicant – Stanislaw Beben, 176 Mayflower Ave., Chicopee, MA 01013.

Andre Beben was present with his Father Stanislaw Beben he stated that when we bought the property in May it was already renovated for the Landlord that was living there. We just want it zoned correctly.

Planning Department

Unanimous approval for request

Councilor Krampits stated that a zone change came through in my ward a few months ago and at that time we voted against it. What's the difference between this application and the one we denied.

Lee Pouliot stated that the difference between those two is that this one does not create a spot zone. The difference in context between the two is that this Special Permit actually abuts a residential C district therefore we would just be expanding upon that.

Councilor Roy motion to approve – Councilor Laflamme 2nd the motion – motion passed

Committee vote 4 – 0 favorable

ITEM #3

Zone Change application from Res A to Bus A for 13,824 SF of property located at 760 Memorial Dr. for the purpose of a barber shop.

Applicant - Mark Mushenko, 78 Parker St., East Longmeadow, MA 01028.

Mark Mushenko was not present

A female representing the applicant was not identified at the meeting was present. The representative stated that she is applying for a zone change and is relocating the business from 852 Memorial Drive to 760 Memorial Drive.

Public Input

James Dolon, 95 Lauzier Terrace, stated that he is within the three hundred foot boundary and he's speaking in opposition to this. The property already houses a barber shop and a hair cutting Sally and across the street from Wendy's is yet another hair cutting establishment. Once you go to Business A it opens up a Pandora box any number of business's can go in there if they decide to sell it and ironically one of them could be an animal kennel and you saw what that was all about in the previous issue. I just don't feel that we need another barber shop within two hundred and fifty feet of each other. I realize Memorial Drive is all business zoned but this is residence and it abuts two streets of residence. I attended the Planning Board meeting two weeks ago and I and another abutter spoke in opposition to this. If it's that easy to change from a Resident A to a Business A, what's to stop the neighbor abutting that house from opening a business there and then it goes on and where does it stop. Where do you draw the line.

Lee Pouliot stated that from a Planning staff perspective on this side of Memorial Drive moving North to South there are only three parcels left that are zoned residential A everything surrounding this from North to South is Business A. So the zone changes and converting residential structures to business structures for this section of Memorial Drive there are only

three parcels. From a business development perspective it's really going to be the size of the lot that limits the type of business that can go there. Upon conversion to Business A there will be a parking requirement for the type of business, which means there has to be some site improvements that have to be done which will trigger a site plan advisory committee review at the minimum. All of this will be reviewed to insure that just like all the other businesses in the area they are complying with requirements that the zone commands.

Councilor Brunetti stated that they have owned this property for a while. Barber shops have a low impact business; they don't run late hours and it won't disturb the residents. It runs by appointments and they do have walk-ins. He stated that the reason they are making this move is that U-Haul is going to take over the whole building. I think they are just protecting their business and their livelihood.

Councilor Laflamme motion to approve – Councilor Krampits 2nd the motion – motion passed.

Committee vote 4 - 0 favorable

ITEM #4

Zone Change application from Res A to Res B for .17 acres 7500 SF of property located at Ruth Ave (Assessors Map 80 Lot 39) for the purpose of construction of a two family dwelling. Applicant – James Kumiega, 55 Van Horn St., Chicopee, MA 01013.

The applicant was present he asked that the committee table the zone change until the next meeting.

Councilor Tillotson had no objections to that. He was concerned about the abutters that came out tonight to speak; I think we should hear them first.

Attorney Garvey stated that the chairman is asking that we take your testimony tonight because the applicant is asking that we postpone the decision to another day. We don't have a date certain to when the next meeting will be but you will all be notified. You will be given another opportunity to talk at the next meeting also.

Public Input

John Wojcik 19 Ellen Street stated that he is opposed to the conversion. The applicants particular lot, his parking is real tight. He stated when he went to the Planning Board they had no plans. It is hard to be in favor of something when I don't know what Mr. Kemeiga would like to build and how he's going to handle the parking situation and snow in the middle of winter. I also understand that the Planning Board did not vote in favor of this.

Gerald Piegza 61 Bell Street stated that he has been there for fifty years. When Tommy Barden tried to do the same thing, they voted him down. He stated that there is no parking there.

Mary Jane Lasek 76 Orchard Street stated that she has lived here her whole life. When there was a parking ban we used to be able to park on one side or the other. Now they have two yellow lines down the street which now causes a parking problem for these dead-end streets. Orchard Street has four dead-end streets and that's where all the cars park. There's a crosswalk which is very dangerous at night when Bingo is getting out. There are twenty cars that park on Orchard Street and they can't park because of the parking ban. Then we have to park on the dead-end streets which fills them up more than on a normal regular day. I am a retired School teacher with a lot of free time. I looked out the window one day and saw a

firetruck trying to go down White Street in February because of the cars and snow, I saw the paramedics leave the ambulance and run to the street because they could not get through. She stated that if you change it to Zone B it's going to just add to the problem that's already there. Emergency vehicles already can't get through there.

Linda Herbert 11 Ruth Avenue stated that the aids cannot come to tend to a sick elderly woman in the summer time because of the parking. The ambulance cannot pick up my own Mother. There is a fellow that parks his flatbed truck up to my driveway.

Councilor Tillotson stated that the Planning Board voted unanimously against this Zone Change.

Lee Pouliot stated that this is a place that you have a neighborhood where it's zoned entirely residential A. The parcel in question that's being requested for a zone change is essentially the back yard to 27 Ellen Street. The structure there is a six unit structure on residential A land which is legally non-conforming, Two things that are happening here; in granting the zone change and subdividing out the back yard you would be making the six unit structure more nonconforming than it already is. With six units against our current zoning regulations that would be a multifamily which should be in residential C. It has a requirement to meet a certain amount of parking spaces per unit off street. By changing it to residential B you would be creating a spot zone in a neighborhood that is otherwise completely residential A.

Jack Benjamin stated that the Planning board based a lot of their decisions on not creating new spot zones and eliminating any spot zones that exist.

Councilor Tillotson asked the applicant what was the reason for request to postpone.

James Kameiga stated that the holidays are coming up and he's taking his son away for vacation. Councilor Tillotson stated is that going to change anything that leads directly to this situation.

James Kameiga stated that he didn't have the proper time to prepare.

Councilor Laflamme motion to postpone to the call of the chair – Councilor Tillotson 2^{nd} the motion – motion passed

Committee vote 4-0 favorable

ITEM #5

Ordinance Amendment to delete Chapter 275-63.1 (C) Permitted Uses and insert new language. New language is available in its entirety in the City Council Office, City Hall Annex. Applicant — Councilor James Tillotson (At-Large) & Councilor John Vieau (Ward 3), City Hall Annex, 274 Front St., Chicopee, MA 01013.

Lee Pouliot stated that they have been working on WestMass Development Corp. on some efforts to make allowable uses to IPUD 2 to make it a bit more contemporary to what is happening in the market place from their perspective and from their market analysis. They were feeling a little restrained by the current regulations for uses in addition to what their board allows within their parks. He stated that we have been working with their staff to come up with some updated language that might make some of these parcels more marketable. We do allow retail sales right now but restaurants are a special permit situation. This would not entail the growth of recreational and medical marijuana that would be regulated by our future ordinances. The funding for WestMass cannot deal with the recreational marijuana. That would be something the board would not approve that use. Finally last mile courier and logistics business's which are different than warehousing and distribution are. Logistics businesses are something that's going out in a small van; things like Amazon. The outside storage may not exceed five percent.

Councilor Laflamme motion to approve - Councilor Krampits 2nd the motion - motion passed

Committee vote 4 - 0 favorable

ITEM #6

Ordinance Amendment to delete Chapter 275-63.1 (F) Nondimensional Requirements and insert new language. New language is available in its entirety in the City Council Office, City Hall Annex.

Applicant – Councilor James Tillotson (At-Large) & Councilor John Vieau (Ward 3), City Hall Annex, 274 Front St., Chicopee, MA 01013.

Councilor Laflamme motion to approve – Councilor Tillotson 2nd the motion – motion passed

Committee vote 4 - 0 favorable

Councilor Laflamme motion to approve minutes from October 24, 2017— Councilor Tillotson 2nd the motion – motion passed.

Meeting adjourned at 8:35 PM.





ANGELA PRZYBYLOWICZ 76 JOY ST CHICOPEE, MA 01013

November 14, 2017

To the City Council,

I have received a notice that there is a public hearing on November 15, 2017 in regards to a "Special Permit" that has been requested by my neighbor, Betty Belisle to have a dog kennel with 7 dachshunds. I am unable to attend this meeting but am submitting this letter to object to this "Special Permit".

Ms. Belisle currently has many dogs at her house. When she takes the dogs for a walk she allows her dogs to "mess" on people's property and she does not pick up the pet waste as required by city ordinance. This has happened on my property many times. I am 90 years old and it is difficult for me to pick up after her dog and I should not have to pick up after her dog in order to enjoy my property. When I have requested that she pick up after her dogs, she has been rude to me in response.

I ask that you DENY this "Special Permit" because it could only cause more problems. I do not believe that she will pick up her dog waste when she has more dogs to care for.

Thank you for your consideration.

Angela C. Przybylowieg

Since we live in a house with a fence for 31 years, we have been a good neighbor. We have been take care of our home and a fence.

Again, since we live our home for 31 years, I have been take care of my seven small dogs. I follow taking care of dog license, dog rabies, and vaccine shots. Also I follow the rabies law, leash law, and poop law.

Since I have been taking care of my seven small dogs, my husband and I never hear any complaints from neighbors. And no one ever told me to get a dog kennel license as a require by a Chicopee law, only if I have more than three or four small dogs.

For your concern, there was a recently about month ago, a skunk accident nosy around four a.m. happened just because the nails on the front sided fence was very loose I happened mowing hit on. Yes that sided front fence is fixed tightly and safe.

Any one who has any complaints related to my seven small dogs, please notify to us of any concern you might have. Thank you to all for listening.

Sincerely, Betty, Mike, and my seven dogs Thank you.

VCA South Hadley Animal Hospital

511 Newton Street South Hadley, MA 01075 **Tel.:** (413) 539-9868

Fax: (413) 533-6304



October 28, 2017

To whom it may concern,

Betty Belisle, 113 Joy Street, Chicopee, Massachusetts, is a client of our animal hospital, with her seven Dachsunds: Dbo, MooChoo, Neo, Rocket, Rudolph, Zz, and The Wizard of Oz. She is an extremely attentive owner. All of her dogs are up to date on their vaccines and they have had fecal and heartworm tests every year. Ms. Belisle also makes sure that each dog has blood screening every year to check liver and kidney values, for example, as well as for exposure to any tick diseases. In our opinion and experiences with her, she seems to be an outstanding dog owner who is willing to do whatever is needed to keep them healthy.

Please contact me if I can be of further help,

William Bernei h

Sincerely,

William Benner, M.S., D.V.M Medical Director matter of: Request for kennel license 113 Joyst

I vote NAE FOR the Following Reasons
Michael J. Gount 1540Aylan ST
Direct Abutter

I vote NAE - Hui-Wen ChiA -154 DAY ten st

Reason's:

(1) 7 Dogs has never been approved within city limits since 1970- Tisapock

(2) out of respect for Betty-I've put up with the constant noise + Barking for Zyrs-I understand that Belty is Deaf - cannof hear the barking noise + her yelling @ the obgs all hours of the Night.

(3) It you grant that I will not be able to get Full value for my house no one's going to Buy a house next to a kennel-or 1 dogs.

(4) in the last 3 months alve seen the dogs attack Like a pack-Killing a skunk + a nest of baby bunnies-

- IF these dogs get loose-they may attack a small child-my grandson is 5

(b) during the summer-you can Imagine the smell offeces in our area. - Does the Dept of health say this is OX?

6 Betty may be a dog hoorder-her children have grown + left home-she may be suffering From "empty nest syndrome"

(1) How would you feel if 7 dags were outside your window éveryday. My wife is a pharmacist and she mixes peoples medicin & a hospital if your the patient, I think you would want the pharmacust to get some šleep e night.

@ when she screams e the dogs when there affactung something, it sounds him she is being murdered, many times & felt like

calling the police

@ again this is a safety issue zmagine the mailman lecoung a package @ He door + the dogs puch the door open get out + atlace a small child - this is one of the reasons these ardinances have been on the books fér decades.

I have talked to many neighbors over the past 2 weeks, many are opposed to the Kennell, but they feel retaliation From Kennell, but they feel retaliation from betty is a distinct possibility. So they don't want to get Involved.

In closing - please remember that your Ic how been down many times before, no mare then (3) dogs in a recidential area please, 7 dogs, &r 1 of anything is reall Way to much to bear.

Thank You Michael gean 154 DAYFED Chic MA 01013